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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,380	02/05/2004	Tokio Ooi	118520	3333
25944 7590 04/06/2009 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER HENDRICKSON, STUART L				
ART UNIT		PAPER NUMBER		
1793				
MAIL DATE		DELIVERY MODE		
04/06/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/771,380

Applicant(s)

OOI ET AL.

Examiner

Stuart Hendrickson

Art Unit

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/25/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action. The RCE is accepted.

Claims 1, 3, 5 and 7 are rejected under 35 U.S.C. 103(a) as obvious over Walker 3638399 taken with Hayden 5466645.

Walker teaches in col. 2 and 4 treating active carbon having a wide pore size distribution with gaseous naphthalene and like compounds until it is saturated. No differences are seen in the carbon or the effect of the treatment. Note also the cooling of ex. 5. Concerning claim 5, it is implied, however to the extent that it is not taught, it is an obvious expedient to avoid burn-off of the carbon. Walker does not explicitly teach cooling in inert gas, however Hayden does in a similar process. Using this cooling is an obvious expedient to avoid burning of the active carbon and thus preserving its pore structure, consistent with the Walker teachings.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as obvious over the Nakano article taken with Hayden.

Nakano teaches, especially on pgs. 2, 3, contacting molecular sieve carbon (ie, active carbon) with naphthalene and like compounds at 200C and heating in inert gas. Concerning claims 4 and 5, they are implied, however to the extent not taught, are an obvious expedient to avoid burning the carbon.

Nakano does not explicitly teach cooling in inert gas, however Hayden does in a similar process. Using this cooling is an obvious expedient to avoid burning of the active carbon and thus preserving its pore structure.

Applicant's arguments filed 2/25/09 have been fully considered but they are not persuasive.

Berger has been withdrawn, but only because of the amendment made and not because of what was argued. The other references need not tell explicitly the effect of the process. The

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argument on pg. 6 shows exactly why the claimed effect is achieved: the large pores are filled and only the small pores remain. Thus, the small pores now are 94% of the volume. Walker reactivates- again, possibly because the pores were in fact filled as recited in the claim verbiage. No differences are seen. The proper spelling of inventor 'Ooi' is requested.

Any inquiry concerning this communication should be directed to examiner Hendrickson at telephone number (571) 272-1351.

/Stuart Hendrickson/
Primary examiner Art Unit 1793